

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

CIVIL ACTION NO.: 7:14-CV-00036-FL

RETIREMENT COMMITTEE OF DAK :
AMERICAS LLC, as Plan Administrator :
of the DAK Americas LLC Pension Plan; :
and TRANSAMERICA RETIREMENT :
SOLUTIONS CORPORATION, :
Plaintiffs, :
v. :

CONSENT ORDER

RODNEY B. SMITH, DAVID W. :
ALLEN, MICHAEL LYNN BASS, :
JOSEPH ALEXANDER BELLAMY, :
MARK STEPHEN BREWER, JEROME :
BRYANT, HAROLD E. CORBETT, :
KELVIN L. GALLOWAY, WARREN :
ALBERT GARRISON, JAMES F. :
HOLLAND, WILLIAM LACEY :
NELSON, SIDNEY HUGH RHODES, :
JIMMIE RAY SELLERS, MENDELL W. :
SMITH, and OTELLA IRENE WEBB, :
Defendants. :
:

Plaintiffs hereby consent to stay enforcement of the Amended Judgment [Doc. No. 228] pending the outcome of Defendants Rodney B. Smith, Mark Stephen Brewer, Warren Albert Garrison, James F. Holland, and Sidney Hugh Rhodes' appeal to the Fourth Circuit Court of Appeals with alternative security.

It is therefore ORDERED that in lieu of supersedeas bond, the Amended Consent Order for Preliminary Injunction entered by this Court on March 24, 2014, [Doc. No. 50] is extended as to Defendants Rodney B. Smith, Mark Stephen Brewer, Warren Albert Garrison, James F. Holland, and Sidney Hugh Rhodes ("Defendants") until disposition of the appeal, and enforcement of the Amended Judgment is hereby STAYED. Each Defendant states that he is

currently holding the amount of the Amended Judgment, excluding costs, entered against him in an eligible retirement plan, account, or annuity, and that he has sufficient funds to pay any interest accruing at .34% during the appeal, if said appeal is successful for Plaintiffs.

Counsel for Defendants Rodney B. Smith, Mark Stephen Brewer, Warren Albert Garrison, James F. Holland, and Sidney Hugh Rhodes are DIRECTED to file a Notice in this action of the appellate court's decision within five (5) days of receiving it. The Clerk is DIRECTED to re-submit this matter to the undersigned for review upon Defendants' filing of that Notice.

SO ORDERED, this the 3rd day of June, 2016.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is cursive and fluid, with the first name "Louise" being the most prominent part.

LOUISE W. FLANAGAN
United States District Judge